



U.S. Department of Justice

*United States Attorney  
Eastern District of New York*

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*271 Cadman Plaza East  
Brooklyn, New York 11201*

February 26, 2009

**BY FACSIMILE AND ECF**

The Honorable John Gleeson  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Israel Weingarten  
Criminal Docket No. 08-571 (GJ)

Dear Judge Gleeson:

During yesterday's status conference, in the context of arguing that his attorneys should be discharged, the defendant stated on the record that his attorneys forced him to file a false affidavit with the Court.<sup>1</sup> The Court thereafter held a conference at side bar with the defendant and his counsel regarding the discharge issue. The government, therefore, was not privy to any additional arguments or statements that may have been made regarding the defense counsel's alleged involvement in knowingly filing a false affidavit.

The government believes, however, that, in light of the defendant's statement on the record that his lawyers made him submit a false affidavit, there is a potential conflict of interest involving one or both of his attorneys, and that this potential conflict could manifest itself in ways that could impair the defendant's and/or the government's ability to try this case. If the defendant testifies at trial and makes statements contrary to his affidavit, the government would seek to cross-examine him regarding the prior inconsistent statements. Should the defendant claim, as he did in court yesterday, that the affidavit is false but that he was forced to file it by his attorneys, the attorneys would have a conflict because they would

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<sup>1</sup> The government believes that the defendant was referring to his affidavit submitted in support of his motion to dismiss the indictment, filed on December 7, 2008. See Docket Entry No. 22. In that affidavit, the defendant set forth exculpatory arguments regarding the charges in this case.

